

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

vs.

NOTICE OF MOTION

Case No: 15-CR-00149-001(RJA)

FRANK R. PARLATO, JR.,

Defendant.

SIR:

PLEASE TAKE NOTICE, that upon the annexed affidavit of Herbert L. Greenman, Esq. and Paul J. Cambria, Jr., Esq., the undersigned move this Court for an Order adjourning defendant's sentencing until December 22, 2022 at 9:30 a.m., and adjusting the sentencing submissions and objections that are due, together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York
 November 17, 2022

Respectfully submitted,

PAUL J. CAMBRIA, JR., ESQ.
HERBERT L. GREENMAN, ESQ.
Attorneys for Defendant
FRANK PARLATO
42 Delaware Avenue
Buffalo, New York 14202
(716) 849-1333
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TO: MICHAEL DIGIACOMO, ESQ.
CHARLES M. KRULY, ESQ.,
ASSISTANT UNITED STATES ATTORNEYS
138 Delaware Avenue
Buffalo, New York 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AFFIDAVIT

Case No: 15-CR-00149-001(RJA)

FRANK R. PARLATO, JR., et al

Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE)ss
CITY OF BUFFALO)

PAUL J. CAMBRIA, JR., ESQ. and HERBERT L. GREENMAN, ESQ. being duly sworn, depose and say:

- 1) We are the attorneys for the defendant Frank R. Parlato, Jr.
- 2) Mr. Parlato's sentence is scheduled for December 7, 2022. Because of the numerous issues that the parties are attempting to resolve, both the government and the defense are respectfully requesting that Mr. Parlato's sentencing be rescheduled until December 22, 2022 and that the sentencing submissions that are otherwise due be adjusted accordingly.
- 3) The parties have recently received the Presentence Report prepared by the United States Probation Department for the Western District of New York. Consistent with the Local Rules of the Western District of New York, the parties have consulted with each other and with the United States Probation Department for the Western District of New York and have discussed various objections. As a result of some of the complexity of the issues, the parties believe that a brief adjournment of Mr. Parlato's sentence would be appropriate and, if possible, until December 22, 2022.

4) The parties are also respectfully requesting that defendant's objections to the Presentence Report be filed with the Court by Wednesday, November 23, 2022 and that the government have two weeks to respond. The defense is respectfully requesting that defendant's sentencing submissions including defendant's Sentencing Memorandum, Statement Regarding Sentencing Factors, and Letters in Aid of Sentencing be filed no later than December 5, 2022 and the government have until December 12, 2022 within which to file its sentencing submissions.

5) Defense has consulted with Assistant United States Attorneys Michael DiGiacomo and Charles Kruly, who agree to this request.

WHEREFORE, counsel prays that this Court issue an Order accordingly.

/s/Paul J. Cambria, Jr.

Paul J. Cambria, Jr.

/s/Herbert L. Greenman

Herbert L. Greenman, ESQ.

Subscribed and sworn to before me this
17th day of November, 2022

/s/Kristina Drewery

Commissioner of Deeds

Qualified in Erie County

My Commission Expires December 31, 2022